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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,667

12/27/2001

Henry Crichlow

HC-4

7928

7590

09/27/2004

Michael I. Kroll  
171 Stillwell Lane  
Syosset, NY 11791

EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,667

Applicant(s)

CRICHLow, HENRY

Examiner

Timothy Edwards, Jr.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenney et al '607.

Considering claim 1, Jenney discloses an automatic meter reading system comprising

a) a central station able to communicate over the internet including an intelligent agent (see col 5, lines 7-14 fig 1, item 2); b) a meter including communication device connectable to the internet (see col 4, lines 54-66); c) the intelligent agent able to autonomously acquire meter data from a meter over the internet (see col 5, lines 38-44, col 9, lines 9-13 and col 15, lines 24-27); Jenney does not specifically recite the central station determine an amount or usage of the utility. However, Jenney discloses the generation of graphs and reports from utility data received (see col 7, lines 51-62, col 8, lines 12-46 and col 9, lines 9-13). One of ordinary skill in the art would readily recognize the generation of reports and graphs suggests determining the amount of utility usage. Therefore, it would have been obvious to one of ordinary skill in the art the Jenney functionally addresses this limitation because of the system's ability to generate reports and graphs.

Considering claim 2, Jenney discloses the limitation of this claim see col 4, lines 54-66, col 5, lines 7-14 and col 9, lines 9-13.

Considering claim 3, Jenney does not specifically disclose the central station includes a plurality of intelligent agents. However, Jenney discloses the use of an intelligent agent (see col 5, lines 7-14). One of ordinary skill in the art would readily recognize a single DAR unit in the Jenney could not accommodate the vast number of meters in a given city. Therefore, it would have been obvious to one of ordinary skill in the art the Jenney system would have as many DAR units as necessary to accommodate the number of utility meters monitored.

Considering claim 4, Jenney discloses the limitation of this claim see col 4, lines 54-59.

Considering claim 5, Jenney does not specifically disclose the meters of his system have a unique Universal Resource Locator. Applicant admits on page 3 of his specification, it is well known in the art some meter having Internet capability have Universal Resource Locator. Therefore, it would have been obvious to one of ordinary skill in the art the some meters of the Jenney system would have Universal Resource Locator because Jenney disclose the desire to transmit data via the meter to an internet address.

Considering claim 6, Jenney discloses the limitation of this claim see col 6, lines 15-20 and lines 43-48 and col 9, lines 13-16.

Considering claim 7, Jenney discloses the limitation of this claim see col 4, lines 34-39.

Considering claim 8, Jenney discloses the limitation of this claim see col 5, lines 38-44 and col 6, lines 35-42.

Considering claim 9, Jenney discloses the limitation of this claim see col 6, lines 30-34.

Considering claim 10, Jenney discloses the limitation of this claim see col 5, lines 38-44 and col 9, lines 9-13.

Considering claim 11, Jenney discloses the limitation of this claim see col 5, lines 48-56.

Considering claim 12, Jenney discloses the limitation of this claim see col 5, lines 48-56.

Considering claim 13, Jenney discloses the limitation of this claim see col 4, lines 20-23.

Considering claim 14, the limitation of this claim is interpreted and rejected as stated in claim 5.

Considering claims 15-18, Jenney does not specifically disclose the of a load forecasting agent. However, applicant admits on page 21, 1<sup>st</sup> paragraph to page 22, the use of a load forecasting agent is well known in the art. One of ordinary skill in the art would readily recognize the data used to forecast future load would be based on pervious load data. Jenney discloses in col 6, lines 43-48 transmission of data for analyses of operation. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Jenney system to include a load-forecasting agent because the use of a load-forecasting agent is well known in the art.

### ***Allowable Subject Matter***

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 20 depends on claim 19.

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is Kelley et al '659, Brunn et al '975, Ardalan et al '839 and Pitchford et al '541 because these references disclose posting and retrieving utility data on the internet. Brickfield et al '851 disclose the use of an intelligent agent and means to forecast and optimize utility usage. Present application antedates the Brickfield reference. Burke et al '826 discloses means to forecast and optimize utility usage.

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2. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:30 a.m.-4:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (571) 272-3068.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

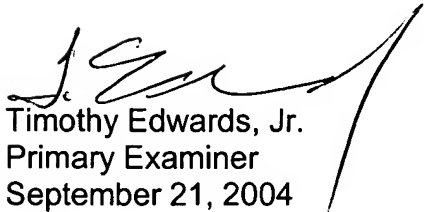
Or:

(for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).

  
Timothy Edwards, Jr.  
Primary Examiner  
September 21, 2004